Supreme Court, U.S.

97-292 JUN 23 1997

No. OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

October Term 1997

JACOB SAMPSON,

Petitioner,

v.

JUDGE CONSUELO E. BEDOYA, et al.,

Respondents.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

PETITION FOR A WRIT OF CERTIORARI

Jacob Sampson, *pro se.*
6138 North Clark Street
Chicago, IL. 60660-2410
(773) 761-0766

QUESTIONS PRESENTED FOR REVIEW

1. Whether consideration should be given to petitioner pro se for being misled by conflicting authorities?

2. Whether the Rooker-Feldman Doctrine conflicts with the Civil Rights Act, originally adapted by Congress as the law of the Land without exception?

3. Whether the Seventh Circuit's threat of sanctions for raising the Rooker-Feldman legal issue was justified?

4. Whether the lower courts erred in not imposing sanctions on attorneys undisputedly involved in criminal activities with their clients racially motivated against petitioner?

PARTIES TO PROCEEDING:

1. JACOB SAMPSON, *Petitioner*, representing himself *pro se;* Address: 6138 N. Clark St. Chicago, IL 60660-2410; (773) 761-0766.

2. JUDGE CONSUELO E. BEDOYA, *Respondent*, represented by Marcia L. McCormick, Assistant Attorney General, 100 West Randolph St., 12th Floor, Chicago, IL 60601; (312) 814-2088.

3. JOHN R. RUDDY, *Respondent*, representing himself *pro se*. 29 South LaSalle St., Suite 828, Chicago IL. 60603: (312) 541-0661.

4. CYNTHIA E. CERVINI, *Respondent*, representing herself *pro se*. 111 West Washington St., Suite 1100, Chicago IL. 60601; (312) 726-5015.

5. DAVID R. CREAGH, *Respondent*, representing himself *pro se*, 222 N. LaSalle St., Suite 300 , Chicago, IL. 60601; (312) 704-3000.

6. COLEN HANSEN, *Respondent*, representing himself *pro se*. 8557 West Bryn Mawr Avenue, Chicago, IL. 60631; Refused service of process and telephone number.

PETITION FOR WRIT OF CERTIORARI

Jacob Sampson ("Sampson") respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Seventh Circuit entered on March 6, 1997, Pet. App. 17a-19a, to resolve the conflict between the Seventh Circuit and this Court on the important isssues presented herein.

OPINIONS BELOW

The opinion of the United States District Court for the Northern District of Illinois, Eastern Division is unpublished and is reproduced on page 6a of the appendix to this petition ("Pet. App."). The opinion of the United States Court of Appeals for the Seventh Circuit that give raise to this petition is unpublished and is reprinted in the Appendix hereto at Pet. App. 17a-19a. By order filed April 7, 1997, the Seventh Circuit denied the Petition for Rehearing is reproduced at Pet. App. 23a.

JURISDICTION

On July 30, 1996, the United States District Court for the Northern District of Illinois, Eastern Division granted the motion of the Defendants Judge Consuelo E. Bedoya ("Judge") and Cynthia E. Cervini and John R. Ruddy ("Attorneys") for dismissal, without a hearing nor argument on issues and contrary to Court's statement in its "Judgment in a Civil Case" dismissing the Complaint for Declaratory Judgment, before the scheduled hearing, denied leave to amend Complaint, and denied pro se plaintiff's motion for Reconsideration on August 13, 1996. Pet. App. 8a.

On August 27,1996, Sampson timely filed a Notice of Appeal to the Seventh Circuit, which affirmed in an opinion filed on March 6, 1997. On April 7, 1997, the Seventh Circuit denied Sampson's timely filed Petition for Rehearing. Pursuant to Supreme Court Rule 13.1, this petition had been filed within 90 days of denial of rehearing. The jurisdiction of the Court is invoked pursuant to 28 U.S.C.§ 1254(1).

CONSTITUTIONAL PROVISIONS, STATUTES, and OTHER MATERIAL INVOLVED IN THIS CASE

The Constitution of the United States, Article III, Section 2, states, in relevant part:

> The judicial Power shall extend to allCases, in Law and Equity, arising under the Constitution, the Laws of the United States, . to controversies ... between Citizens of different States, .. and between a State, or the Citizens thereof, and foreign States, Citizens, or Subjects.

Title 42 U.S.C. §1981. Equal rights under the law for the security of persons and property.

Title 42 U.S.C.§ 1983. Civil action for deprivation of rights racially motivated, constitutionally injured by State Courts.

Title 42 U.S.C. § 1985(2), Second Clause, conspiracy to deny equal protection of the laws by officers of the state court.

Title 28 U.S.C. §1257. Declaratory relief since a good chance exist of being likewise injured in the future, because of the deep seated prejudices among some judges, demonstrating a controversy with the State judiciary that would justify the equitable standing for relief sought, as an exclusive method by which a federal court can review a state court judgment.

STATEMENT OF THE CASE

Jacob Sampson, plaintiff pro se, brought suit against Judge Consuelo E. Bedoya, Cynthia E. Cervini and John R. Ruddy, under 42 U.S.C§§ 1981, 1983, 1985(2), 1986 and Title 28 U.S.C. §1257. Sampson alleged that Judge Bedoya and attorneys Cervini and Ruddy conspired to deprive him of his rights to due process by denying him a right to a fair trial because of his race/religion and national origin, and for criminal conduct where said attorneys instigated and were involved for unjust enrichment.

Sampson sought to have the federal court enter a declaratory judgment that the state court proceeding was in error, reverse the state court judgment, and award damages against the attorneys only, for their undisputed wrongdoings.

Each of the defendants filed motions to dismiss, arguing that the district court lacked subject matter jurisdiction. On July 30, 1996, the district court granted these motions to dismiss with prejudice, without a hearing nor argument entered before the time it was scheduled, and denied leave to amend to which a pro se litigant is entitled, finding that it did not have subject matter jurisdiction, though plaintiff cited numerous authorities to the contrary. The district court entered judgment on behalf of the defendants and against Sampson, ignoring his raised dominant issue of conflict of laws.

Sampson filed a Rule 59(e) motion to alter or amend judgment due to apparent inconsistencies, which was denied, and a Rule 60 motion for defendants' fraud on the courts, was also denied.

Sampson filed a timely notice of appeal on August 27, 1996. Two other cases 96-1280 and 96-1589 of brutal violations of his civil rights were also dismissed for similar reasons.

REASON FOR GRANTING THE WRIT

I. The Rooker-Feldman Doctrine in clear conflict with the

Civil Right Act introduced as a remedy against discriminatory abuses of the Southern States after emancipation against the former slaves and other minorities. The Rooker-Feldman Doctrine gives a free hand to some State Judges to abuse their discretion toward victims of their deep seated racial antagonism against some minorities in general, and against Jews in particular. In summary, the Rooker-Feldman Doctrine is well intended, but wrongfully applied and too often abused, as shown in this pending action.

II. Pendent Declaratory Action demonstrating good chance of being likewise injured in the future as long as there appears a deep seated and unequivocal racial antagonism that would render fair judgment impossible against United States citizens of the Jewish Race and Religion. As shown, the standing of the plaintiff to seek declaratory relief and jurisdiction is beyond dispute.

III. District Court in conflict with cited authorities: Contrary to Defendants' assertions in their bad faith pleadings, State Judges are not immune from suits seeking injunctive and declaratory relief. Santiago v. City of Philadelphia, 435 F.Supp. 136. Even when assuming arguendo that State judges are immune, fact that the action was dismissed as to the "Immune" State judges did not require dismissal of the action against the remaining private parties accused of conspiring with the judge. Dennis v. Sparks, 101 S.Ct. 183. Federal District Court has jurisdiction under Civil Rights Act of an action for declaratory relief for violation of Federal Due Process Rights, 42 U.S.C.A.. § 1983. Cicero v. Olgiati, 426 F.Supp. 1213.

More conflicting authorities, which misled Sampson to rely on and displease the Court: Complaint to enjoin defendants from enforcing State judgment undisputably obtained by fraud, contained up on its face sufficient facts to permit federal court to entertain the action, Dowd v. Front Range Mines, 242 F.Supp. 591, 28 U.S.C.A. §2283; Kush v. Rutledge, 102 S.Ct. 1483

IV. Defendants conveniently omitted the conspiracy issue. Civil Rights Statute which pertains to a conspiracy to obstruct justice and which addresses equal protection concerns requires, as an element of the cause of action, a racial or othewise class-based invidiously discriminatory animus behing the conspirators' action, Bradt v. Smith, 634 F.2d 796. Plaintiff claimed a racially motivated conspiracy, which defendants called "frivolous" to divert court's attention from their undisputed misconduct. As to the question why "frivolous" and why should Sampson also be a victim of conflicting authorities, the court did not explain.

V. The underlying State action in the Appellate Court of Illinois, First District, No. 96-2528, since July 12, 1996, to this day no decision followed.

CONCLUSION

For the above and foregoing reasons, in particular for the good chance of being likewise injured in the future, the petition for writ of certiorari should be granted.

Respectfully submitted,

6138 N. Clark St.
Chicago, IL 60660 -2410
(773) 761-0766

_____
Jacob Sampson, Petitioner
pro se.

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1746 of the United States Code, Title 28, the undersigned certifies that the statements set forth in this instrument, are true and correct to his personal knowledge and/or to his best information and belief. Executed on this day of mailing.

_____

APPENDICES

APPENDIX A

(Oct. 24, 1995)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

No. 95 C 5375

Jacob Sampson,
Plaintiff,

v.

Judge Sidney A. Jones III, et al.
Defendants.

JAMES F. HOLDERMAN, District Judge

Plaintiff, Jacob Sampson, has filed a declaratory judgment action alleging that his civil right were violated in a prior state court proceeding. Defendants, David Creagh and Judge Sidney A. Jones, III, have both filed motions to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil procedure. For the following reasons, defendants' motions are granted and plaintiff's claim is dismissed with prejudice.

This case arises out of a state court personal injury suit brought by plaintiff against Mrs. Armida Douglas for injuries allegedly sustained by plaintiff. The plaintiff lost the suit and a series of appeals in state court. The plaintiff previously filed a complaint, No. 92 C 8362, against defendants Judge Jones and David Creagh and other named state Judges requesting that his state case be removed to federal court and for compensatory and punitive damages. Judge Paul E. Plunkett dismissed the claim and the Seventh Circuit affirmed the appeal, No.93-1416.

Plaintiff, in his present complaint, is requesting that Judge Jones' state decision be reversed and that he receive monetary damages from defendant Creagh, who was the opposing counsel in the underlying state case. Plaintiff, however, has failed to establish that jurisdiction properly exists in this case. The Seventh Circuit has held that the "district court's obligation to review its own jurisdiction is a matter that must be raised sua sponte,. Ricketts v. Midwest National Bank, 874 F.2d 1177, 1181 (7th Cir. 1989).

The Rooker-Feldman doctrine "stands for the proposition that lower federal courts lack jurisdiction to engage in appellate review of state-court determinations." Ritter v. Ross, 922 F.2d 750, 753 (7th Cir. 1993); Asarco, Inc. v. Kadish, 490 U.S. 605, 622, 109 S.Ct. 2037, 2048 (1989). This doctrine bars a federal district court from hearing a claim requesting the review of a state judicial proceeding.Plaintiff's complaint, in this case, requests that this district court review the state court order entered in Sampson v. Douglas and reverse the state and appellate decisions. Additionally, plaintiff has not established any proper jurisdiction over his monetary relief claim over defendant Creagh.

Therefore, this court has no jurisdiction in this matter and the case is dismissed with prejudice. Defendant Creagh's and Jones' motions to dismiss are granted. Plaintiff's motion for default judgment is moot.

APPENDIX B

Dec. 20, 1995

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. 95 C 7433

Jacob Sampson,
Plaintiff,
v.
Judge Julia M. Nowicki, et al.
Defendants.

MILTON I. SHADUR, Senior United States District Judge

MEMORANDUM OPINION AND ORDER

Jacob Sampson ("Sampson") has filed what he labels as a "Complaint for Declaratory Judgment" against Circuit Court of Cook County Judge Julia Nowicki and Colen Hansen ("Hansen"), a private party with whom Sampson has had a decade-long dispute, most recently resolved in an action retried by Judge Nowicki in June 1993. Because the Declaratory Judgment Act (28 U.S.C. 2201) is not itself a fount of federal jurisdiction, Sampson's best prospect for a ticket of entry to this federal court would be through the federal civil rights statutes.* Based on its initial review of Sampson's Complaint,** this Court sua sponte dismisses both the Complaint and this action for lack of subject matter jurisdiction.

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* Complaint IV cites a smattering of potential sources of jurisdiction: Not only 42 U.S.C.§§1983, 1985(2), 1985(3) and 1986 but also the Seventh

Although such jurisdictional defects are of course the first order of business, it is worth noting that Sampson has waited to long to bring this action in any event. As stated earlier, Judge Nowicki's conduct of which he complains ended in June 1993, more than two years ago. That would impose a limitations bar on any action based on the various civil rights statutes cited in n.1. And as for any potential reliance by Sampson on the Seventh and Fourteenth Amendments, no direct constitutional cause of action exists against state actors that is comparable to the Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) action made available against federal officials who violate constitutional rights.

But to turn to the jurisdictional problems that are also fatal to Sampson's action, Sampson's self-prepared Complaint cites to various legal authorities as well as to the facts that give rise to his grievance. Unfortunately his identification of the sources to which he looks for federal court relief confirm the maxim that "A little learning is a dangerous thing" (Alexander Pope, Essay on Criticism pt.2, line 15).

Thus even though Sampson is obviously aware of the doctrine of judicial immunity (see Complaint X and XII), he does not understand its all-encompassing scope, which embraces all actions taken in a judge's judicial capacity (see the most recent Supreme Court pronouncement on the matter, Mireles v.Waco, 502 U.S. 9. (1991) (per curiam).

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and Fouteenth Amendments and several provisions (obviously irrelevant as potential jurisdictional sources) of the Federal Rules of Civil Procedure ("Rules")--Rules 38, 39 and 57. But there is no need to individualize the matters dealt with in this opinion in those terms, for the flaws identified here are all-pervasive.

** This Court always undertakes an immediate review of newly filed complaints; see Wisconsin Knife Works v. National Metal Crafters, 781 F.2d 1280, 1282 (7th Cir. 1986);

> The first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged

Sampson's Complaint XII refers to an earlier Ninth Circuit aberration that had applied a more limited doctrine (Rankin v. Howard, 633 F.2d 844, 848-49 (9th Cir. 1980), but Sampson clearly does not understand that even that aberration was overruled by the Ninth Circuit itself in later case that he himself cites (Ashelman v. Pope, 793 F.2d 1072, 1076- 78 (9th Cir1986)) In sum, Judge Nowicki is absolutely immune from suit here.

As for Hansen, in addition to the already-discussed limitations problem that would knock out any federal claim against him in any event, Sampson has also asserted no basis for bringing Hansen within the reach of Dennis v. Sparks, 449 U.S. 24 (1980). Instead Complaint XI alleges a conspiracy between Judge Nowicki and another state judge "to predeterrmine the outcome of proceeding based on their common deep seated unequivocal antagonism that would render fair judgment impossible against the United States citizens of the Jewish race and religion." But even assuming the truth of that allegation, Hansen's possible benefit from that alleged conspiracy by getting a favorable ruling in Sampson's litigation with him is not enough to make him a person who acted under color of state law so as to bring him into this federal court.

Finally, Sampson himself acknowledges (Complaint XI):

> Under the Rooker-Feldman doctrine, the lower federal courts lack jurisdiction to engage in appellate review of state-court determinations.

That doctrine too stands as a bar to what Sampson seeks here.

To recapitulate, Sampson's lawsuit is fatally flawed in several respects, any one of which would compel its dismissal. As stated at the outset of this opinion, both the Complaint and this action are dismissed.

Milton I. Shadur
Senior United States District Judge

Date: December 20, 1995

APPENDIX C

July 30, 1996

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS

No. 96 C 4234

Jacob Sampson,
Plaintiff,

v.

Judge Consuelo Bedoya, et al.
Defendants.

JAMES H. ALESIA, United States District Judge.

ORDER

Plaintiff, Jacob Sampson, has filed a declaratory judgment action alleging his civil rights were violated by the defendants in a prior state court proceeding in *Sampson v. Kuster, et al.*, 95 M1 040143.

Defendants have filed motions to dismiss alleging that this court has no subject matter jurisdiction to review the disposition of a state court proceeding under the *Rooker-Feldman* doctrine which stands for the proposition that lower federal courts lack jurisdiction to engage in appellate review of a state-court determination.

In order to invoke this doctrine, this court must determine if the underlying state determination was a judicial proceeding and if plaintiff's claims are so inextricably intertwined with the state determination that this doctrine precludes this court from hearing this case.

Here, the proceeding was a state court proceeding and plaintiff's prayer seeks to reverse the state determination and for a declaratory judgment that the state-court judgment was erroneous. This case is clearly within the doctrine. Indee, plaintiff is no stranger to this court and has sued state judges on two prior occasions, both of which were dismissed. *Sampson v. Judge Sidney Jones, III*, No. 95 C 5375 and *Sampson v. Judge Julia Nowicki*, No. 95 C 7433.

Accordingly, this case is dismissed with prejudice for want of subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1).

APPENDIX D

August 13, 1996

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS

No. 96 C 4234

Jacob Sampson,
Plaintiff,

v.

Judge Consuelo Bedoya, et al.
Defendants.

JAMES H. ALESIA, United States District Judge.

ORDER

Plaintiff's motion pursuant to Rule 59(e) is denied.

APPENDIX E

August 20, 1996

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS

No. 96 C 4234

Jacob Sampson,
Plaintiff,

v.

Judge Consuelo Bedoya, et al.
Defendants.

JAMES H. ALESIA, United States District Judge.

ORDER

Plaintiff's motion pursuant to Rule 60 is denied.

APPENDIX F

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

No. 96-3131

Jacob Sampson,
Plaintiff-Appellant,

v.

Consuelo E. Bedoya, Judge, Cynthia E. Cervini and John R. Ruddy,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois. Eastern Division. No. 96 C 4234
James H. Alesia, Judge.

December 13, 1996

Upon consideration of the "MOTION FOR RECONSIDERATION," filed on December 9, 1996, by pro se appellant,

IT IS ORDERED that the motion is DENIED.

APPENDIX G

[Filed July 12, 1996]

IN THE UNITED STATES DISSTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Civil Action No. 96 C 4234
Jury Trial Demanded

Jacob Sampson,
Plaintiff,
v.
Judge Consuelo E. Bedoya,
Cynthia E. Cervini and John
R. Ruddy, attorneys.
Defendants.

COMPLAINT FOR DECLARATORY JUDGMENT

I.

Plaintiff Jacob Sampson pro se, is a resident of the City of Chicago, County of Cook, State of Illinois, of Jewish ancestry.

II.

Defendant, Consuelo E. Bedoya, a Judge in the Circuit Court of Cook County, Municipal Division, State of Illinois.

Defendants, Cynthia E. Cervini and John R. Ruddy, attorneys, having their principal place of business in the State of Illinois.

III.

This is an action for Declaratory Judgment pursuant to Title 28 United States Code 2201, for the purpose of determining a queastion of actual controversy between the parties as hereinafter mor fully set forth.

IV.

Jurisdiction of this action is based on Title 28 United States Code 1331(a) and 1343, as the cause of action arises under Title 42 United States Code 1982, 1983, 1985(2), 1985 (3) and 1986. The amount of controversy exceeds $50,000. plus costs.

V.

The present action is limited against State Judge Consuelo E. Bedoya (hereinafter "Judge Bedoya"), and attorneys Cynthia E. Cervini and John R. Ruddy (hereiafter "attorneys Cervini and Ruddy"), for depriving plaintiff of his Constitutional Rights, racially motivated.

VI.

The underlying State action was against defendants Michael W. Kuster, Nancy Fah and Paul Fah, for extortion, criminal damage to victim's automobile and telephone threats, directed against some minority citizens for refusing to meet defendants' demands to pay for parking on public streets, a concocted scheme by attorneys Cervini and Ruddy, to generate income to boost their law practice, masterminded as appears by attorney Cervini.

VII.

The State case No. 95 M1 040143 was assigned to Judge Bedoya, who consistently denied Plaintiff's timely motions, such as change of venue, due to her disply of deep seated antagonism towards litigants of Jewish faith and denying Plaintiff's Constitutional Right for Jury trial on issues of attorneys Cervini and Ruddy's involvement, though no attempt was made by Defendants Kuster, Nancy Fah and Paul Fah, to deny the claims filed against them. An arrest warrant was issued against Paul Fah for his second failure to appear for the scheduled criminal hearing.

VIII.

There is now existing between the parties hereto an actual justiciable controversy in respect to which plaintiff is entitled to have a declaration of his rights and further relief, including a mandatory reversal, because of the facts, circumstances and conditions hereinafter set forth:

Irregularities at the motion hearings, where plaintiff was not allowed to testify, but defense counsel was permitted to read prepared by a ghost writer lengthy irrlevant conclusory opinions.

Judge Bedoya denied Discovery proceeding to plaintiff, in particular Defendant Paul Fah's telephone record for proof of his threateing calls, averaging 200 calls per month around the clock.

The court also denied the reqested and paid for jury trial, though viable issues of fact did exist, in particular, attorneys' actual involvement in their clients' criminal activities.

Judge Bedoya dismissed the action with prejudice, contrary to the manifest weight of evidence, proving abuse of discretion.

State Judges are not immune from suits seeking declaratory relief. Santiago v. City of Philadelphia, 435 F.Supp. 136.

IX.

Plaintiff invokes Federal jurisdiction after State's denial, *inter alia*, of the Constitutional Due Process in denying discovery and arbitrary denial of a jury trial, and conspiracy to violate plaintiff's

Constitutional and Civil Rights.

X.

Pendency of action in State Courts is no bar to proceedings concerning same matter in Federal Court having subject matter jurisdiction. Holmes v. Chicago Transit Authority, 505 F.Supp. 877.

XI.

Judge Bedoya's other constitutional violation in failing to insure that claims of the *pro se* litigant be given meaningful and fair consideration, in particular when Civil Rithts are concerned, also to give liberal construction to *pro se* plaintiff's pleadings. Childs v. Duckworth, 705 F.2d 915; 28 U.S.C.A 1654; Traguth v. Zuck, 710 F.2d 90.

XII.

Plaintiff alleges that Judge Bedoya conspired with the two attorneys, Defendants in this action, to predetermine the outcome of proceedings based on their common deep seated and unequivocal antagonism that would render fair judgment impossible against United States citizens of the Jewish Race and Religion, and the collusion was made obvious by Judge Bedoya following every whim of the two attorneys Cervini and Ruddy, contrary to law and fact.

XIII.

Defendants herein created a *prima facie* case actionable under provisions of Section 1985(2). Since the Constitution provides that the laws of the United States made in pusuance thereof shall be the supreme law of the land, 16 Am Jur 2d.

An allegation of class-based animus is an essential requirement of a claim under second clause of 1985(2) providing a cause of action if two or more persons conspire for purpose of obstructing due course of justice with intent to deny any citizen equal

protection of the laws. Bretz v. Kelman, 773 F.2d 1026.

Defendants did not deny the serious allegations against them.

XIV.

ANCILLARY STATE LAWS AND DIRECTIVES

(a) UNDISPUTED HATE CRIME: Pursuant to 720 ILCS 5/12-7.1. A person commits hate crime when, by reason of the actual or perceived race, color, creed ..... he commits crimes as defined in criminal code, and (c) Independent of any criminal prosecution or the result thereof, *any person suffering injury to his person or damage to his property as a result of hate crime may bring civil action for damages or other appropriate relief.* As lleged hereinbefore, Defendants KUSTER and PAUL FAH, in their extortion scheme with others repeatedly and maliciously damaged Plaintiff's automobile because of his race.

(b) CONSPIRACY: Pursuant to 720 ILCS 5/8-2. A person commits conspiracy when, with intent that an offense be committed , he agrees with another to the commission of that offence. Obviously, Defendants: KUSTER, NANCY FAH, PAUL FAH, and their attorneys RUDDY and CERVINI, conspired to inflict damage and deny relief.

(c) OBSTRUCTION JUSTICE: Pursuant to 720 ILCS 5/31 -4. A person obstruct justice when, with intent to prevent the apprehension or obstruct the prosecution of any person, he knowingly induces a witness having knowledge material to the subject at issue to leave the State or conceal himself. Defendants named in this action knowingly concealed the identity and adddresses of the TEN (10) men involved in terrorizing the minority neighbors with threats of physical violence to them and family, of their extortion demands are not met.

XV.

Doctrine of pendent jurisdiction is based on considerations of fairness and judicial economy and recognizes power in federal courts to resolve state law claims brought in conjunction with federal claim where both are derived from common nucleus of operative facts. Stern v. United States Gypsum, 547 F.2d 1329.

WHEREFORE, pro se Plaintiff Jacob Sampson prays that:

1. In consideration of this Court's proper jurisdiction over subject matter and over defendants involved in this declaratory action for lack of immunity including the State Judge.

2. This Honorable Court enter a declaratory judgment that disposition of the State Court in *Sampson v. Kuster, et al.*, case No. 95 M1 040143, was entered in error.

3 The the judgment of the State Circuit Court be reversed

4. That a judgment for Plaintif and against Defendants CERVINI and RUDDY, only, be entered in the sum of $60,000. each, plus costs and interest as exemplary and punitive damages.

5. The Court grant such other and further federal relief as may be just and proper in this extraordinary cause.

Respectfully submitted,

6138 N. Clark St.
Chicago, Ill. 60660-2410
(773) 761-0766

Jacob Sampson, Plaintiff
pro se.

APPENDIX H

UNITED STATES OURT OF APPEALS
SEVENTH CIRCUIT

Decided March 6, 1997 *
Before
Hon. WILLIAM J. BAUER, *Circuit Judge*
Hon. JOHN L. COFFEY, *Circuit Judge*
Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

JACOB SAMPSON, *Plaintiff-Appellant,* No. 96-1280 v. COLEN HANSEN, *Defendant-Appellee.*	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 95 C 7433 Milton I. Shadur, *Judge.*

JACOB SAMPSON, *Plaintiff-Appellant,* No. 96-1589 v. DAVID R. CREAGH, *Defendant-Appellee.*	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division No. 95 C 5375 James F.Holderman, *Judge.*

JACOB SAMPSON, *Plaintiff-Appellant,*	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

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* After an examination of the briefs and the record, we have concluded that oral argument is unnecessary; accordingly, the appeal is submitted on the briefs and the record. See Fed. R. App. P. 34(a); Cir. R. 34(f).

Nos. 96-1280, 96-1589, & 96-3131

No. 96-3131 v. No. 96 C 4234

Consuelo E. Bedoya, Judge, Cynthia E. Cervini, and John R. Ruddy,
Defendants-Appellees.

James H. Alesia
Judge.

ORDER

Upset by the adverse outcomes of three proceedings in Illinois state court, Jacob Sampson brought federal civil right actions each demanding declaratory judgment "that disposition of the state court ... was entered in error" and "[t]hat the judgments of the State Circuit and Appellate Courts be reversed," plus money damages. The district courts immediately zeroed in on, and carefully explained, the fatal jurisdictional problem presented by this sort of prayer for relief: the district court simply does not have jurisdiction to review state court judgments, a principle known as the Rooker-Feldman doctrine, Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462(1983). All of Sampson's claims, which appear to allege a racially motivated conspiracy to deprive him of his civil rights, are "inextricably interwined" with his central attack on the state court judgment and thus are outside federal jurisdiction. See Kamilewicz v. Bank of Boston Corp., 92 F.3d 506, 510 (7th Cir. 1996), petition for cert. filed, 65 U.S.L.W. 3531 (U.S. Jan. 24, 1997); Ritter v. Ross, 992 F.2d 750, 753-54 (7th Cir. 1993). Undaunted, Sampson brings this consolidated appeal.*

* This court earlier granted Sampson's motion to consolidate appeal numbers 96-1280 and 96-1589; because the ground of decision is identical, this panel hereby orders these appeals further consolidated with appeal number 96-3131 for purposes of disposition.

Sampson recognizes the applicability of Rooker-Feldman and argues for an exception where the defendants are private parties (three of the original defendants are state court judges, but Hansen, Creagh, Cervini, and Ruddy are not) or for civil rights actions. The Rooker-Feldman doctrine, however, concerns the propriety of federal review of state court judgments, not the private status of the parties, and it clearly applies to actions such as this. Sampson otherwise asserts that the doctrine is "irrelevant" without explanation. Given this insuperable jurisdictional bar, it is unnecessary to address the numerous additional defects in Sampson's federal lawsuits.

Appellee Cervini has moved for sanctions pursuant to Federal Rule of Appellate Procedure 38. A brief review of our docket reveals that, aside from the three appeals decided today, Sampson has resorted to litigation to air a variety of his grievances in a way that borders on harassment. Although we have determined that these appeals are frivolous, we do not yet believe that sanctions are appropriate. This is, however, Sampson's final warning: any further frivolous appeals will subject him to monetary fines and a possible bar order pursuant to Support Systems International, Inc. v. Mack, 45 F.3d 185, 186 (7th Cir. 1995), forbidding his filing of any further legal papers in any court within this circuit.

AFFIRMED.

APPENDIX I

No. 96-3131

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Jacob Sampson,
Plaintiff-Appellant,
v.
Consuelo E. Bedoya,
Judge, et al.
Defendants-Appellees.

Appeal from the United States District Court for the Nothern District of Illinois, Eastern Division.
No. 96 C 4234
James H. Alesia, *Judge.*

PETITION FOR REHEARING

Plaintiff-Appellant JACOB SAMPSON *pro se (not an attorney)*, pursuant to Federal Rule of Appellate Procedure 40, petitions this Honorable Court for Rehearing, and in support hereof states:

1. On March 7, 1997, this Court affirmed the judgment of the District Court, appellant received by mail on March 12, 1997.

2. Appellant respectfully submits that this Court overlooked the Dominant Issue raised in his pleadings, namely, the Conflict of Laws between the Rooker-Feldman Doctrine and Civil Right Act.

3. Appellant further believes that this Court misapprehended his sincere afforts seeking justice, and to call it frivolous, he considers it as an added insult to injuries.

4. Appellant is very upset by the adverse outcomes of three proceedings and others in Illinois State Court, as result of the attorneys' malign influence, and prayed for declaratory judgments not for money damages, which was mentioned only

as reference to damages caused to appellant in violation of his civil rights.

5. Appellant contends that the doctrine is irrelevant as relied on Santiago v. City of Philadelphia, 426 F.Supp. 136, that State judges are not immune from suits seeking declaratory relief, the same under Cicero v. Olgiati, 426 F.Supp. 1213, actionable for violation Federal Due Process Rights 42 U.S.C.A. Section 1983.

6. Attorney Cervini has moved for sanctions pursuant to Federal Rule of Appellate Procedure 38, to divert the court's attention from her undisputed criminal conduct to boost her law business by instigating and participating in extortion activities with criminal damage to property against racial minorities for parking their vehicles on public streets, which after this Court's ruling, her criminal activities will continue with impunity.

7. Appellant in full agreement with Court's cited cases:

(a) Kamilewicz v. Bank of Boston Corp. 92 F.3d 506, about attorney's malpractice and assertion of fraud in procurement of judgment, reliance on Rooker-Feldman Doctrine was affirmed and the reason was given, no racial issues involved, and not frivolous.

(b) Ritter v. Ross, 992 F.2d 750, a back taxes dispute and a variety of options in the Wisconsin judicial system available, the Rooker-Feldman doctrine applicable, no racial issue involved, and was not called frivolous.

(c) Support Systems International v. Mack, 45 F.3d 185, sanctions for repeated efforts to defraud the Federal Courts and abusive letters sent to judges, the reason for sanctions was given and no racial issues involved.

8. In contrast here, no reason for threats of sanctions was given and calling the raised issue in good faith the obvious Conflict of Laws as frivolous is beyond appellant's comprehension.

9. The foreseeable results of this Court's March 7, 1997 order, seen as a license for Defendants to continue their crimes

against plaintiff with impunity as follows:

(a) Defendant COLEN HANSEN for another attempted Genocide, in violation of 18 USC 1091 (a)(b)(c)(d).

(b) Defendant DAVID R. CREAGH, attorney, to continue exert a malign influence on the courts against minorities' civil rights.

(c) Defendants CYNTHIA E. CERVINI and JOHN R. RUDDY, attorneys, to continue their criminal extortion activities to boost their law business, and violate citizens' civil rights, racially motivated.

(d) Defendant CONSUELO E. BEDOYA, Judge, deny to litigants their Constitutional Due Process Right, continue abuse judicial discretion under defendants' malign influence.

10. Appellant JACOB SAMPSON can not believe that the Circuit Judges themselves originated the affirming order, in particular the Honorable ILANA DIAMOND ROVNER, who personally experienced similar discrimination in Europe.

CONCLUSION

In considseration of the apparent conflict of laws and fact that the Complaint for Declaratory Judgment was never heard not ruled upon, District Court's dismissal be declared null and void. Based on the foregoing and entire record, the Appellant requests that this Court in fairness reconsider and declare whether there is a conflict of laws between the Rooker-Feldman Doctrine and the Civil Rights Act, and for further proceeding on remand.

Respectfully submitted,

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(773) 761-0766

Jacob Sampson, Plaintiff
-Appellant, pro se.

APPENDIX J

UNITED STATES OURT OF APPEALS
SEVENTH CIRCUIT

April 7, 1997

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*
Hon. JOHN L. COFFEY, *Circuit Judge*
Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

JACOB SAMPSON,
Plaintiff-Appellant,

No. 96-3131 v.
CONSUELO E. BEDOYA, et al.,
Defendant-Appellees.

United States District Court for the Northern District of Illinois, Eastern Division.
No. 96-4234
James H. Alesia, *Judge.*

ORDER

On consideration of the petition for rehearing filed in the above-captioned case by plaintiff-appellant, all of the judges on the original panel have voted to deny.

Therefore, the petition for rehearing is DENIED.